

U.S. Patent Application Serial No. 10/601,803  
Response filed August 23, 2005  
Reply to OA dated May 23, 2005

### **REMARKS**

Claims 1-22 are pending in this application, with claims 1, 3, and 9-22 currently withdrawn from consideration. Claim 2 has been amended herein in order to more particularly point out, and distinctly claim the subject matter to which the applicants regard as their invention. Applicant respectfully submits that no new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated **May 23, 2005**.

Support for the amendment to claim 2 is as follows. Claim 2 has been amended to restrict "n" to be 1 or 2. Therefore, n cannot be 0. This amendment is supported by the compounds cited on pages 12-35 of the specification.

**Claims 2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by CAPLUS 1992:229195.** (Office action paragraph no. 3)

Reconsideration of the rejection is respectfully considered in view of the amendment to claim 2.

The Examiner states that the claims are anticipated by Registry Nos. 133043-14-8-P and 133043-15-9-P. RN 133043-14-8 is indicated to refer to 2-[chloro(3-methoxyphenyl)methyl]-6-methoxy naphthalene (toward bottom of page 3 of CAPLUS abstract), and the formula is given.

The Examiner considers the methoxyphenyl group in RN 133043-14-8 to correspond to the phenyl-Y<sup>1</sup> group in claim 2. This would require, for example, that group R<sup>2</sup> be chlorine, which

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would require that  $m = q = 0$ , and  $E^2$  be a single bond. This would also require that  $n = p = 0$ ,  $E^1$  be a single bond,  $A^2$  be a 2,6-naphthalene, and  $R^1$  be a methoxy.

RN 133043-15-9 is 6-methoxy- $\alpha$ -(3-methoxyphenyl)-2-naphthaleneacetonitrile, and the correspondence to formula (I) in claim 2 is similar, except that  $R^2$  is cyano.

As amended, claim 2 restricts  $n$  to represent 1 or 2. Applicant submits that, as amended, the claims do not read on the compounds in CAPLUS 1992:229195, which require  $n$  to be 0.

Moreover, **claim 2 recites “an optically active compound”**. That is, claim 2 is reciting a composition with an enantiomeric excess of one of the two enantiomers.

The cited reference discloses an unnatural alkaloid, 6-methoxy-4-[2-(6-methoxy)naphthenyl]-1,2,3,4-tetrahydroisoquinoline (compound (I)) as a chiral spacer. Compound (I) does not correspond directly to the compound in claim 2. Compound (II), used in making compound (I), was prepared from (6-methoxy-2-naphthyl)(3-methoxyphenyl)methanol, and apparently involved preparation of compounds RN 133043-14-8 and RN 133043-15-9 as intermediates.

However, the abstract only indicates that **compound (I)** was prepared in optically active form: “Starting from enantiomerically pure (I) ....” The abstract does not state at what state the optical resolution is carried out. The reference, as cited, does not appear to disclose optically active RN 133043-14-8 and RN 133043-15-9.

Applicant further submits that there is no suggestion in the reference for the cited compounds being optically active, and in particular, no suggestion that they would induce significant HTP (helical twisting power), as do the compounds of the present invention. Applicant submits that

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claims 2 and 4, as amended, are not anticipated by, and are not obvious over, CAPLUS 1992:229195.

**Claim 2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by CAPLUS 1991:20960. (Office action paragraph no. 4)**

Reconsideration of the rejection is respectfully considered in view of the amendment to claim 2.

The Examiner refers to RN 13446-27-8, which is 1-[(4-bromophenyl)chloromethyl]-3-methoxy-benzene. This corresponds to formula (I) in claim 2 when A<sup>1</sup> is 1,4-phenylene.

As noted, claim 2 has been amended to restrict n to 1 or 2. Applicant respectfully submits that the claims, as amended, do not read on RN 13446-27-8, which would require n = 0.

Moreover, there is no indication in the cited abstract that the reference teaches the optically active compound. Likewise, there is no suggestion for the optically active compound. Applicant submits that claims 2 and 4, as amended, are not anticipated by, and are not obvious over, CAPLUS 1991:20960.

**Claim 2 and 4-8 are rejected under 35 U.S.C. 102(b) as being anticipated by CAPLUS 1969:438186. (Office action paragraph no. 5)**

Reconsideration of the rejection is respectfully considered in view of the amendment to claim 2.

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The Examiner refers to compounds RN 19771-06-3, 19771-10-9 and 19771-13-2. RN19771-06-3 is  $\alpha$ ,3-dimethyl-benzenemethanol benzoate. The correspondence with formula (I) in claim 2 would require that group E<sup>2</sup> or Z<sup>2</sup> be -COO-, and A<sup>3</sup> be 1,4-phenylene, and would require that R<sup>2</sup> be a hydrogen atom. R<sup>1</sup> would be methyl. Similarly, in 19771-10-9 and 19771-13-2, R<sup>1</sup> would be Br or Cl.

As noted, claim 2 has been amended to restrict n to 1 or 2. Applicant submits that the claims, as amended, do not react on the cited compounds.

Moreover, based on the cited abstract, the reference does **not** disclose the optically active compounds. Since the reference is directed to linear free energy relationships, there would appear to be no suggestion in the references for the optically active compounds. In particular, there is no suggestion in the reference that the optically active compound would have significant HTP (Helical Twisting Power) which is the advantageous result of the present invention.

Applicant submits that claims 2 and 4-8, as amended, are not anticipated by, and are not obvious over, CAPLUS 1969:438186.

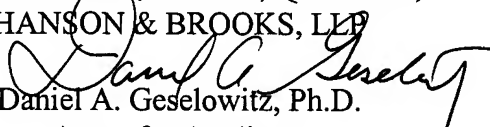
If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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